

PROB 12B  
(7/93)

Report Date: October 12, 2010

**United States District Court**

**for the**

**Eastern District of Washington**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

OCT 12 2010

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

Name of Offender: Nobel James Kelly

Case Number: 2:03CR00066-001

Name of Sentencing Judicial Officer: The Honorable William Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 1/15/2004

Type of Supervision: Supervised Release

Original Offense: Possession With Intent to Distribute  
Over 5 Grams of Cocaine Base, 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: 7/26/2010

Original Sentence: Prison - 120 Months; TSR - 48  
Months

Date Supervision Expires: 7/25/2014

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 18 You shall complete a mental health evaluation and follow any treatment recommendations of the evaluating professional which do not require forced or psychotropic medication and/or inpatient confinement absent further order of the Court. You shall allow reciprocal release of information between the supervising officer and treatment provider. You shall contribute to the cost of treatment according to your ability to pay.
- 19 You shall take medications for the treatment of as prescribed by the licensed mental health treatment provider.

**CAUSE**

Mr. Kelly was released from Bureau of Prisons (BOP) custody on July 26, 2010. According to documents received from BOP, Mr. Kelly was diagnosed and treated for Schizophrenia during his term of incarceration. Most recently Mr. Kelly has informed the undersigned officer that he believes "people are following him." The undersigned has attempted to counsel Mr. Kelly and alleviate his concerns, however, there has been no decrease in his symptoms and concerns.

Mr. Kelly has voluntarily signed the attached waiver of hearing after being advised of his right to a hearing and advice of counsel. He does appear amenable to treatment and in need of mental health services.

Prob 12B

**Re: Kelly, Nobel James**

**October 12, 2010**

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 12, 2010

s/Samuel Najera

Samuel Najera  
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other



Signature of Judicial Officer

Oct. 12, 2010

Date

PROB 49  
(3/89)

## United States District Court

Eastern District of Washington

### Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision


I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

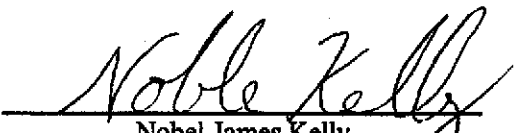
To modify the conditions of supervision as follows:

- 18 You shall complete a mental health evaluation and follow any treatment recommendations of the evaluating professional which do not require forced or psychotropic medication and/or inpatient confinement absent further order of the Court. You shall allow reciprocal release of information between the supervising officer and treatment provider. You shall contribute to the cost of treatment according to your ability to pay.
- 19 You shall take medications for the treatment of mental health diagnosis as prescribed by the licensed mental health treatment provider.

Witness:

  
\_\_\_\_\_  
Samuel Najera  
U.S. Probation Officer

Signed:

  
\_\_\_\_\_  
Nobel James Kelly  
Probationer or Supervised Releasee

October 12, 2010

Date